IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 145 OF 2007
WITH
CIVIL APPLICATION NO. 1584 OF 2007
IN
S.A. NO. 145 / 2007

1. Shri Narayan Dhondu Zolage & Ors. .. Appellants.

V/s.

1. Govt.of Maharashtra, through Collector, Raigad and Ors. .. Respondents.

Mr.P.B.Shah for the Appellants.

Mr. R.M.Patne, AGP for the Respondents Nos. 1 to 4.

CORAM : S. A. BOBDE, J.

DATED : 23rd AUGUST, 2007.

P.C. :-

. This an appeal by an unsuccessful plaintiff. Both the courts below have held that the plaintiff is not entitled to any relief.

2. The plaintiff is a former Dy.Sarpanch. The suit land is required by the respondent State for the purpose of rehabilitation of Aadivasi people. The plaintiff filed a suit for declaration that the notices issued by the respondent State to him for illegal conversion of

land to non-agricultural purpose and further action of demolishing the structure on the land are illegal and for a declaration that he is the owner of the land by an adverse possession. The trial court has dealt with the matter in a great detail and has come to the conclusion that the land in question was acquired by the respondent State in the course of an acquisition proceeding, which was dropped because M/s. Maharashtra Seemless Company had agreed to hand over the land to the respondent State. Apparently, the plaintiff had made some construction on this very land which was allegedly discovered by him to be on encroached land in the course of the measurements. The trial court has come to the conclusion that the plaintiff has established no right or title in the land and the State was the true owner of the land. It, therefore, declined to set aside the notices or give any declaration on ownership by adverse possession.

3. In appeal filed by the appellant, the appellate court has upheld the findings of the trial court and has arrived at the same conclusion. It is true, as contended by the learned counsel for the appellant, that the appellate court has not properly discussed various points under the appropriate points for determination. However, from a reading of the judgment of the appellate

court, it can be seen that the appellate court has applied its mind to various relevant aspects of the case and has upheld the judgment and decree passed by the trial court.

4. In the circumstances of the case, since there is no evidence and proof that the appellant has any right, title or interest over the land in question and that there is any authority or permission for the construction made by the plaintiff, there is no reason to disturb the finding recorded by the appellate court. No substantial question of law arises. The appeal is, therefore, dismissed. The civil application does not survive.

(S.A.BOBDE,J.)

.....